

Applicant request a Special Exception under Section 2.16.050 B (Two or more nonconforming lots) in an R-2 (Residential) zone.

This would permit the construction of a single family home, a portion of which is proposed to extend 8'8" feet into the required rear yard setback, for a total of 417 square feet of that building within the setback.

The required rear setback for the subject property is 35 feet to allow for it to meet the 60' cumulative front and rear yard setback in the R-2 (District) zone district.

BACKGROUND

The applicant is requesting Special Exception B to allow the construction of a single family home, 8'8" feet of which would extend into the rear yard setback for a 417 sq. ft. area of total encroachment. Through aerial photos, it was established that one house on the same block extends 2 feet into their required rear setback, and another house extends 24 feet. Measurements were not available for any property constructed after December of 2017, and they were excluded from staff's calculations.

This property previously came before the Zoning Board of Adjustments at its July 10, 2018 meeting and was approved for a 5'7" encroachment into its required rear yard, for a total of 276 square feet. The applicant is requesting an additional 3' and 141 square feet.

The Planning Division has not received any communications in support or opposition to the special exception request.

CALCULATIONS

Required rear yard setback = 35'

Requested rear yard setback = 26'

STAFF RECOMMENDATION

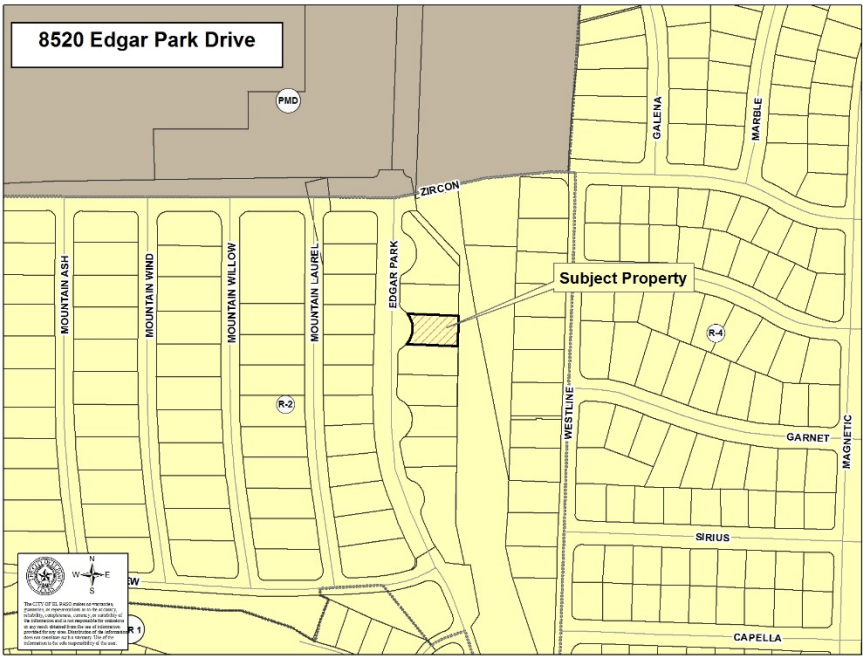
Staff recommends approval of the special exception request as the requested encroachment is less than one of the encroachments into that setback already present on blockface of the subject property.

The Zoning Board of Adjustment is empowered under Section 2.16.050 B to:

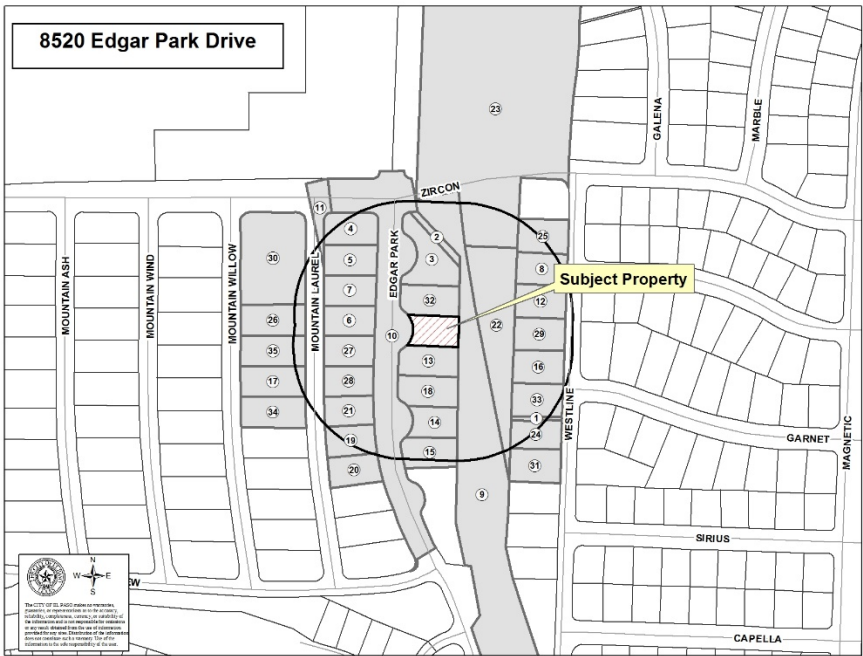
"Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot; provided, however, that:

1. The lot is in a legally recorded and developed subdivision of at least ten years;
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots; and
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception."

ZONING MAP



NEIGHBOR NOTIFICATION MAP



SITE PLAN

